IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 171 of 2007()

CC.91/2003 of J.M.C., PONNANI
CRIME NO.138/01 OF PONNANI POLICE STATION.

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: PETITIONER/SECOND ACCUSED

UNNI @ ABDUL AZEEZ, S/O. ABU HAJI,
AMBETTUVALLAPPIL, VATTAMKULAM AMSOM,
EDAPPAL, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER, PONNANI POLICE STATION
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.171 OF 2007

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DATED THIS THE 12th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.138/01 of Ponnani Police Station now pending before the J.F.C.M., Ponnani as C.C.No.91/03, seeks anticipatory bail.

2. The petitioner was enlarged on bail during crime stage. Thereafter, according to the petitioner, without serving summons on him, non-bailable warrant of arrest has been issued against him. His application for anticipatory bail preferred before the Sessions Court was dismissed with a direction to surrender before the Magistrate and to seek regular bail.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, having regard to the fact that the subject matter of the offence is only arecanut worth Rs.300/- and the petitioner was granted bail during the crime stage and he has a grievance that he was not served with a summons by the trial court, I am inclined to grant the petitioner an opportunity to surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks

from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after considering the aforementioned facts.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn